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Letter dated 20 December 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, containing an account of the activities of the Committee for the year 2002. The report, which was adopted by the Committee on 20 December 2002, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Adolfo Aguilar **Zinser**
Chairman
Security Council Committee established pursuant
to resolution 1132 (1997) concerning Sierra Leone

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Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone covers the period from 1 January to 20 December 2002.

2. A report of the Committee covering its activities from January to December 2001 was submitted to the Security Council on 11 January 2002 (S/2002/50).

3. For 2002, the Bureau consisted of Jorge Eduardo Navarrete (Mexico) as Chairman, from 1 January to 27 January 2002, with the delegations of Cameroon and Singapore providing the Vice-Chairmen. Adolfo Aguilar Zinser (Mexico) served as Chairman of the Committee for the period from 28 January to 31 December 2002. During the reporting period, the Committee held four meetings, in addition to informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

4. By its resolution 1132 (1997), adopted on 8 October 1997, the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel, and petroleum and petroleum products. The Security Council, by paragraph 5 of the resolution, also imposed travel restrictions on members of the military junta and adult members of their families. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo, and by its resolution 1171 (1998) of 5 June 1998, it confirmed the removal of sanctions on the Government and reimposed the arms embargo and travel ban on leading members of the Revolutionary United Front (RUF) and of the former military junta.

5. On 5 July 2000, the Security Council adopted resolution 1306 (2000) in which, inter alia, it decided, in paragraph 1, that all States should prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory.

6. At its 4442nd meeting, on 19 December 2001, the Security Council adopted resolution 1385 (2001), by which it extended for a period of 11 months, from 5 January 2002, the measures imposed by paragraph 1 of resolution 1306 (2000), except that, pursuant to paragraph 5 of that resolution, rough diamonds controlled by the Government of Sierra Leone under the Certificate of Origin regime would continue to be exempt from those measures.

7. At its 4654th meeting, on 4 December 2002, the Security Council unanimously adopted resolution 1446 (2002), by which it decided to extend, for a new period of six months, beginning on 5 December 2002, the prohibition of all import of Sierra

Leone rough diamonds except those controlled by the Government under the Certificate of Origin regime.

B. Summary of the activities of the Committee

8. Pursuant to paragraph 4 of resolution 1171 (1998), the Committee reported to the Council on 29 April 2002 (S/2002/498), on notifications received from States on the export of arms and related materiel to Sierra Leone as well as for deployment with the United Nations Mission in Sierra Leone (UNAMSIL). The Committee also received a communication from the Permanent Mission of Qatar to the United Nations, dated 25 June 2002, concerning the intention of the Emir of the State of Qatar to make a gift of a helicopter to the President of Sierra Leone, to be used solely for the transportation of the President. According to the communication from Qatar, the Committee will be notified of the shipping and receiving details once they are determined.

9. On 1 August 2002, the Committee approved requests from the Governments of Sierra Leone and Switzerland for exemption to paragraph 5 of resolution 1171 (1998), for Johnny Paul Koroma, Leader of the Peace and Liberation Party, to enable him to attend the "Initiatives of Change" peace conference in Caux, Switzerland, from 3 to 13 August 2002. On 2 October 2002, the Committee approved a request from the Government of Sierra Leone for an exemption to the travel restrictions for Dr. Bailah Leigh, National Consultant to the National HIV/AIDS Control Programme, to attend the sixth meeting of the Regional Advisory Panel on Reproductive Health for the Africa and Eastern Mediterranean Regions, held at Tunis, from 14 to 18 October 2002.

10. In a letter dated 9 January 2002 addressed to the President of the Security Council, the Chairman conveyed to the Council the Government of Sierra Leone's third review of the Certificate of Origin regime for the export of Sierra Leone diamonds (S/2002/38), which the Committee subsequently considered during its informal consultation on 19 February 2002.

11. In a letter dated 23 July 2002 addressed to the President of the Security Council, the Chairman conveyed to the Council the Government of Sierra Leone's fourth review of the Certificate of Origin regime for the export of Sierra Leone diamonds (S/2002/826), which the Committee subsequently considered at its 27th and 28th meetings, on 22 July and 13 November 2002.

12. At its 25th meeting, held on 26 March 2002, the Committee adopted revised consolidated guidelines for the conduct of its work, which incorporated into the previously issued guidelines the relevant provisions of Security Council resolutions 1306 (2000) and 1385 (2001) and the subsequent decisions taken by the Committee to exempt from the measures imposed by paragraph 1 of the former resolution rough diamonds controlled by the Government of Sierra Leone through its Certificate of Origin regime. The Committee also decided to transmit the guidelines to all States, drawing their attention to paragraph 1 of resolution 1306 (2000) and also to the letters from the Chairman of the Committee to the President of the Security Council dated 6 October 2000 (S/2000/966) and 28 March 2001 (S/2001/300), containing decisions taken by the Committee related to the exemption of rough diamonds controlled by the Government of Sierra Leone through its Certificate of Origin regime from the measures imposed by paragraph 1 of resolution 1306 (2000).

13. In response to a query submitted to the Committee by the head of the delegation of the European Commission regarding the use of the electronic recording and confirmation component of the Certificate of Origin regime, the Committee, at its 25th meeting, on 26 March 2002, agreed to write to the Government of Sierra Leone seeking its views. In its reply, the Government stated that, while the use of such an electronic system was preferred, it was not obligatory.

14. Also at the 25th meeting, the Committee considered a communication from the Government of Belgium which contained a dossier of five problems encountered in the implementation of Sierra Leone's Certificate of Origin regime for the export of rough diamonds. The Committee agreed to bring the dossier to the attention of the Sierra Leone authorities, thereby initiating an exchange of six letters that has served as a useful channel of communication to supplement the formal reviews submitted periodically by the Government of Sierra Leone. A sixth problem encountered in the implementation of the Certificate of Origin regime was brought to the attention of the Committee by a letter dated 7 August 2002 from the Permanent Representative of Belgium. The Committee agreed to convey the contents of the letter to the Sierra Leone authorities, while at the same time drawing attention to similarities between the sixth case and the previous five cases.

15. Since the issuance of its previous annual report (S/2002/50), the Committee has received one reply from States (Mexico) on the implementation of paragraph 17, and one reply (Mexico) on the implementation of paragraph 8, of resolution 1306 (2000). In addition, the Permanent Mission of the Russian Federation to the United Nations informed the Committee, by a note verbale dated 16 April 2002, of the measures taken by the Government of the Russian Federation to implement resolution 1385 (2001), although that resolution did not require States to provide such reports.

C. Violations and alleged violations of the sanctions regime

16. After considering a newspaper article which alleged that Mr. Johnny Paul Koroma had travelled to Ghana in contravention of paragraph 5 of resolution 1171 (1998), the Committee agreed that the Chairman should write to the Permanent Representative of Ghana to the United Nations in order to obtain additional information that could shed light on the alleged breach of the sanctions regime. When no reply was received to the Chairman's first letter, dated 4 March 2002, the Chairman sent a reminder letter, with the Committee's approval, on 14 June 2002. No reply to these letters has yet been received by the Committee.

17. In response to information it had received regarding the alleged travel of Mr. Johnny Paul Koroma to Nigeria on 3 February 2002 without the Committee's authorization, the Chairman sent a letter to the Permanent Representative of Nigeria seeking clarification on 4 March 2002. When no reply was received to the Chairman's first letter, the Chairman sent a reminder letter, with the Committee's approval, on 14 June 2002. The Permanent Representative of Nigeria to the United Nations replied to the Chairman's letter on 26 June 2002, wherein he noted that the alleged violation had been conveyed to the Government of Nigeria and that his Government's response would be made available to the Committee as soon as it was received.

18. The Committee furthermore considered at its 25th meeting a note verbale from the Permanent Mission of Belgium to the United Nations, detailing actions taken by the Belgian authorities in their investigation of Victor Bout, who had been identified as one of the main arms traffickers in Africa in reports by the panels of experts on Sierra Leone and Liberia, as well as by the Monitoring Mechanism for the União Nacional para a Independência Total de Angola (UNITA). During the inquiry on Bout, the name of Sanjivan Ruprah emerged as Bout's closest associate. In connection with the Bout and Ruprah cases, the Belgian authorities informed the Committee that 18 house searches had been conducted simultaneously on 7 February 2002. As a result of the subsequent questionings, Sanjivan Ruprah, Carlos Laplaine and John Garnier had been placed under arrest and in detention. With the Committee's agreement, on 2 April 2002, the Chairman sent a response to the Permanent Representative of Belgium to the United Nations, to express appreciation for the actions taken by the Government of Belgium.

19. At its informal consultations held on 8 May 2002, the Committee considered a letter from the Permanent Mission of the Gambia to the United Nations regarding the arrest by Gambian security forces of Pieter Judo Maarten Dervoden, a Belgian national, for trafficking in Sierra Leone diamonds. With the Committee's agreement, on 13 May 2002, the Chairman sent a response to the Permanent Representative of the Gambia to express appreciation for the actions taken by the Government of the Gambia. The Committee subsequently received an additional communication from the Permanent Mission of the Gambia, dated 9 December 2002, informing the Committee that, in connection with its previous communication, Pieter Judo Maarten Dervoden and Sorry Ebrima Touray (a Sierra Leone national) had pleaded guilty to, inter alia, the charge of importation of rough or uncut diamonds without a licence. Both accused persons were duly convicted in accordance with the relevant laws of the Gambia.

III. Other activities

20. Under the chairmanship of the delegation of Mexico, the Committee took part in five joint informal meetings with the participation of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia and the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola. The meetings were held on 24 April, 1, 14 and 17 May and 11 June 2002, and were convened to consider a list of topics for discussion which, the members agreed, might be beneficially explored in a joint forum. The topics included: cooperation with regional organizations; improved monitoring capacity; assistance to third States in implementing sanctions; ways to increase the effectiveness of targeted sanctions; and shared experiences on committee guidelines and working practices. The committees together received briefings from Mr. Ian Smillie, diamond expert and former member of the Panel of Experts on Sierra Leone, and from Ambassador Juan Larrain, Chairman of the Monitoring Mechanism on Sanctions against UNITA, on 17 May and 11 June 2002 respectively. The joint informal meetings were held in accordance with resolution 1306 (2000), paragraph 7 (e), in which the Council decided that the Sierra Leone sanctions committee should continue its cooperation with other relevant sanctions committees, in particular those pertaining to Liberia and Angola. Further, resolution 1343 (2001), in paragraph 14 (h), included, among the tasks of the Liberia sanctions

committee, cooperation with other relevant sanctions committees, in particular the Sierra Leone and Angola sanctions committees.

21. The Security Council conducted its fifth review of the measures imposed by paragraph 1 of resolution 1306 (2000) on 29 August 2002. On that occasion, the Chairman provided an extensive briefing to the Council which drew upon the fact-finding mission he had undertaken in the Mano River Union countries from 22 June to 4 July 2002. Through the President's statement to the press of 29 August 2002, the members of the Council, inter alia, expressed their appreciation to the Government of Sierra Leone for the submission of its fourth review of the Certificate of Origin regime and commended its efforts to monitor trade in diamonds through the creation of a mechanism to oversee and control domestic diamond mining. The members also took note of the problems still faced by the Sierra Leone Government in the areas of illicit production and diamond smuggling, and they therefore welcomed ongoing efforts among West African countries to develop a region-wide certification scheme and encouraged the Government of Sierra Leone to further strengthen its internal monitoring capacity. The members furthermore urged the international community and donor countries to support the ongoing efforts of the Sierra Leone Government to implement effective measures to control diamond certification and to promote economic development through mining activities.

22. When the Security Council decided by its resolution 1385 (2001), to extend for a period of 11 months from 5 January 2002 the prohibition of all import of Sierra Leone rough diamonds except those controlled by the Government under the Certificate of Origin regime, it also affirmed that, in addition to its six-monthly review in accordance with paragraph 15 of resolution 1306 (2000), it would review, at the end of the 11-month period described in the resolution, the situation in Sierra Leone, including the extent of the Government's authority over the diamond-producing area, in order to decide whether to extend those measures for a further period and, if necessary, to modify them or adopt additional measures. The Council subsequently conducted its review pursuant to paragraph 3 of resolution 1385 (2001) on 4 December 2002. The Chairman circulated and read out a note which reflected, inter alia, the views on the diamond sanctions expressed by the members of the Committee at its 28th meeting, held on 13 November 2002. As the members of the Council had reached agreement on a draft resolution on Sierra Leone, the Chairman and the President of the Council agreed that it would not be necessary for the President to make any statement to the press regarding the sanctions on the import of Sierra Leone rough diamonds not controlled by the Certificate of Origin regime. On the same day, the Security Council unanimously adopted resolution 1446 (2002) (see para. 7 above).

23. Between 22 June and 4 July 2002, the Chairman visited Sierra Leone, Liberia and Guinea to consider problems encountered in the implementation of the Security Council's sanctions measures and to improve their effectiveness; to send a political signal to all States concerning the importance attached by the Council to the implementation of its sanctions regimes; and to discuss opportunities for regional approaches to stem the illicit traffic in small arms and diamonds. During the same period, in connection with the objectives of his fact-finding mission to the region, the Chairman also visited the Government of Belgium's Task Force on Conflict Diamonds in Brussels, the Wassenaar Arrangement secretariat in Vienna and Interpol Headquarters in Lyon, France. Extensive discussions were held with key representatives of the three Mano River Union countries, including with the

Presidents of Sierra Leone and Liberia and the Minister for Foreign Affairs of Guinea. In Sierra Leone, the Chairman visited several UNAMSIL deployments in the diamond-producing areas formerly under the control of the Revolutionary United Front (RUF). The Chairman presented a detailed oral report on his visit to the Committee on 11 and 22 July 2002, and briefed the Security Council on his mission on 11 July 2002.

IV. Observations

24. In the absence of a specific monitoring mechanism to ensure the effective implementation of the sanctions regime, the Committee urges all States and organizations in a position to provide it with pertinent information to do so. The mandate of the Committee pertaining to the arms embargo could also be facilitated by reports through the Economic Community of West African States (ECOWAS) and UNAMSIL.